

Minutes – September 11, 2014

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Wayne Magoon, Vice Chairman; Guy N. Black, Thomasina Coates, and William B. Young. Chairwoman Pamela Smith and Alcohol Enforcement Coordinator Master Cpl. Judith Thompson were excused. Also appearing in support of the Board were Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

Vice Chairman Wayne Magoon opened the meeting with a request for a moment of silence in remembrance and recognition of those who perished on September 11, 2001 and those who have fought on behalf of the United States in the years since.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

DC Air National Guard Top 3 Council, by: Sgt. Thomas Katt, for a 1-day temporary alcoholic beverage license to sell/serve Beer only from 8 a.m to 4 p.m. on September 15, 2014 at White Plains Golf Course for a tournament with approx. 110 people expected to attend.

Charles County FOP #24, by: Sgt. Bobby Kiesel, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on September 19, 2014 from 7 a.m. to 3 p.m. at the White Plains Golf Course for a fundraiser with approx 144 people expected to attend.

Waldorf Lions Club, by: Capt. Michael McGuigan. Vice Chairman Wayne Magoon recused himself from ruling on this application due to his membership of the Waldorf Lions Club, and joined Capt. McGuigan in presenting on behalf of the 1-day temporary alcoholic beverage license application to sell/serve Beer, Wine & Liquor from 2-9 p.m. on Sunday, October 5, 2014, (rain date 10/12) at the Charles County Fairgrounds for "Bikers for Babies" March of Dimes fundraiser after party fundraiser with approx 500 people expected to attend.

Community Foundation of Southern Maryland/Chaney Foundation Bull Roast Fund, by: Gretchen Hardman/Kyle Murray, for a 1-day alcoholic beverage license to sell/serve Beer Only, from 1-4 p.m. on Saturday, October 18, at the Chaney property located at 12335 Acton Lane, Waldorf, MD, for a fundraiser to benefit the American Cancer Society with approx 600 people expected to attend.

Humane Society for Charles County, by: Shara Hendler, for a 1-day alcoholic beverage license to sell/serve Beer Only, from 11 a.m. - 3 p.m. on Sunday, October 5, at Charles County Fairgrounds, for their annual Bark in the Park fundraiser with approx 1,500-2,000 people expected to attend.

Bryans Road Volunteer Fire Department, by: David Hamrick. Also appearing was Dennis Tomlinson, for a 1-day alcoholic beverage license to sell/serve Beer Only, from

3-10 p.m. on Saturday, November 8, at Bryans Road VFD, for a Sportsman's Bananza fundraiser with approx 400 people expected to attend.

Charles County Chamber of Commerce, by: Betsy Burian, President. Appearing on behalf of the applicant was Tracy Albritten, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor from 5:30-7:30 p.m. on Thursday, October 2, 2014, at the Residence Inn Marriott – Waldorf, for their monthly mixer with approx 100 people expected to attend.

Camp St. Charles, by: Laura Hall, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Only from 11 a.m. -5:00 p.m. on Saturday, September 20, 2014, at Camp St. Charles, Rock Point (?) Maryland, for a Reunion with approx 50 people expected to attend.

1-day Special Exception

Keven Kling, Line-X Effects, LLC, t/a Hunt's Corner Tavern, 6520 Bensville Road, Pomfret, MD 20675. Appearing on behalf of the licensee was Laura Reed, who presented the request to re-define this license premises to include a defined outside area on Saturday, October 18, 2014 from 1:00 – 11:30 p.m., for their annual Customer Appreciation Day, with approximately 200 people expected to attend, and as set forth in the written request. Upon a motion duly made, seconded and unanimously carried, the Board approved the request as presented.

2. Anne M. Woodford, Woody's Tavern, LLC t/a Woody's Tavern, 4300 Hawthorne Road, Indian Head, Maryland 20640, appeared for a new Class B-N (Nightclub) – BWL (on sale only) alcoholic beverage license. Counsel to the applicant was Nathan Chapman, Esq. This matter initially came before the Board on August 14, 2014, at which time the Board voted to leave the record open and conclude this matter at this hearing. In addition to the applicant, Daniel Dixon represented by Wilmer Ticer, Esq., reappeared and testified in opposition to the granting of this license, alleging that the applicant was not a fit and proper person because: a) she failed to properly display her alcoholic beverage license at Halfway Liquors, having removed the actual license when she vacated the premises; and b) that she illegally stored alcoholic beverages removed from the licensed premises in accordance with Article 2B, Sec. 12-105. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that this application for a new Class B-N (Nightclub) – Beer, Wine & Liquor (on sale only) alcoholic beverage license be approved contingent upon filing of a Health Permit, and Use & Occupancy Permit, within 90 days from the September 11, 2014 hearing date.

3. Horace G. Dawson, III, Norma Rivera, Miranda Farren, RL Salisbury, LLC, t/a Red Lobster #557, 11035 Mall Circle, Waldorf, Maryland 20603, appeared for a transfer of their Class B - BWL (on sale only) BLX alcoholic beverage license from Joseph G. Kern, Miranda O'Bryan Mudd Farren, Coleen M. Hunter, GMR Waldorf, Inc., Red Lobster #557, 11035 Mall Circle, Waldorf, Maryland 20603. Continuing licensee/officer Miranda Farren's appearance was excused. Counsel to the applicants was Leanne Schrecengost, Esq. Testimony was presented by the applicants as to the facts contained in the application, including evidence that

Ms. Farren will continue to serve as the resident licensee. The applicants anticipate no change in operation of the premises. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the a transfer of their Class B - BWL (on sale only) BLX alcoholic beverage license contingent upon filing a Health Permit, Use & Occupancy Permit, and new Maryland Sales Tax ID number, along with payment of the appropriate transfer fee.

4. Dharam Singh Goraya, Preetanjan Grewal, Anup Portside, LLC, t/a Portside Liquors, 6967 Indian Head Highway, Bryans Road, Maryland 20616, appeared for a transfer of their Class D – BWL (on/off sale) alcoholic beverage license from Najib Nazmi Bakir, Preetanjan K. Grewal, Anup Portside, LLC, t/a Portside Liquors, 6967 Indian Head Highway, Bryans Road, Maryland 20616. This application also contemplates a re-definition of the licensed premises to include the adjoining space previously licensed and trading as Murphy's Pub. Counsel to the applicants was Hammad Matin, Esq. Testimony was presented by the applicants as to the facts contained in the application, including evidence that Mr. Goraya replaces Najib Nazmi Bakir as an resident licensee, now serves as a managing member, and holdins a 20% interest in Anup Portside, LLC. Mr. Grewal will continue as a managing member of the corporation. The Ms. Farren will continue to serve as the resident licensee. The remaining 50^ interest in Anup Portside, LLC, is held by Kuljit Singh Brar, who is also the landlord at the licensed premises. Mr. Brar appeared as a witness on behalf of the applicants. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer of their Class D – BWL (on/off sale) alcoholic beverage and re-defining the licensed premises to include the adjoining space previously licensed and trading as Murphy's Pub, contingent upon filing a Health Permit and Use & Occupancy Permit for the new incorporated space, along with payment of the appropriate transfer fee.

5. Rebecca A. Broadwater, Dogoberto Castillo, Teresita Castillo, Taqueria los Compadres, LLC, t/a Taqueria los Compadres, 2427 & 2431 Crain Highway, Waldorf, Maryland 20601, appeared for a new Class B–RB (Restaurant/Bar) BWL (on sale only) alcoholic beverage license. Counsel to the applicants was Robert Burke, Esq. Testimony was presented by the applicant as to the facts contained in the application, including evidence that the premises was formerly occupied by Pure Restaurant & Nightclub. Rebecca A. Broadwater serves as resident licensee and managing member, holding a 20% interest in Taqueria los Compadres, LLC. Dogoberto Castillo and Teresita Castillo each serve as managing members and each hold a 26.7% interest in the LLC. The remaining officer of the LLC is Obed Castillo, who holds the remaining 26.6% interest. The applicants propose to operate as a restaurant only, with no entertainment and no outside service area. This premises is fully separate from the Spanish market. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application for a new Class B–RB (Restaurant/Bar) BWL (on sale only) alcoholic beverage license upon payment of the appropriate license fee.

6. Matthew J. Wickesburg, Claudia K. Levitas, Donald Scott Creelman, HOA Waldorf, LLC, t/a Hooter's, 3600 Crain Highway, Waldorf, Maryland 20602, on September 11, 2014, for a transfer of their Class B-BWL(on sale) BLX alcoholic beverage license from Matthew J. Wickesburg, Claudia K. Levitas, Donald Scott Creelman, Hooter's of Waldorf, LLC, t/a Hooter's, 3600 Crain Highway, Waldorf, Maryland 20602. Appearing on behalf of the applicants was

General Manager Mr. Recquert. Counsel to the licensee was Leanne Schrecengost, Esq. Testimony was presented by general counsel as to the facts contained in the application, which evidence an internal reorganization transferring the corporate entity from Hooter's of Waldorf, LLC to HOA Waldorf, LLC. The licensees will continue to serve as officers and licensees on behalf of the limited liability corporation. No other change in the operation of the business is anticipated. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer of the their Class B-BWL(on sale) BLX alcoholic beverage license contingent upon payment of the appropriate transfer fee.

7. Protest to Renew the Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Carl R. Baldus, Jr., WIJV Restaurant, LLC, trading as Damon's - Holiday Inn, 45 St. Patrick's Drive, Waldorf, Maryland 20603. This matter was recalled from the April 10, 2014 renewal hearing. Counsel to the applicant was David Martinez, Esq. The Board offered their sincere condolences upon the death of Barbara Baldus, Personal Representative of the Estate of Carl R. Baldus, Jr., WIJV Restaurant, LLC. Upon a motion duly made, seconded and unanimously carried, the Board agreed to allow the licensee until the next hearing to satisfy all outstanding matters with the Maryland Department of Assessments and Taxation and the Charles County Treasurers Office, and pay the annual license fee prior to the next meeting. Thereafter, the Board agreed to hold the license until renovations are complete, by the end of the calendar year.

8. The clerk advised the Board that she has received information that the Class D - BWL (on/off sale) alcoholic beverage license issued to Faustine Yvette Robinson, Awanda Michelle Williams, Robinson & Williams Enterprises, LLC, t/a Deja Blu, 9425 Berry Road, Waldorf, Maryland 20603 may have been vacated and the premises closed. The Board directed that the clerk refer the matter to the alcohol enforcement officer for further investigation.

9. The clerk provided the Board with an update in the matter of the alcoholic beverage license approval granted to Jeremy A. Bull, Jerry Dianis, Judith Allean Browne Dianis, Newburg Food, LLC, t/a Potomac Boathouse Grille, 11415 Pope's Creek Road, Newburg, Maryland 20664, in June 2014. At that time the applicant expected and the Board ordered that they meet all outstanding contingencies and open by September 15, 2014. A telephone call to the applicant indicates that they are close to being able to wrap it up. The clerk relayed that if license is not issued by the October hearing the applicant will appear to answer any questions and may request a continuance.

10. The Board discussed a legislative proposal to continue their review of license fees to more appropriately offset the County's funding of the Board of License Commissioners. The clerk provided a list of Class A fees by jurisdiction, as set forth in Art. 2B, Sec. 6-201. Upon consideration of the testimony and evidence submitted, the Board proposed an increase in the annual license fee for all Class A – Beer, Wine & Liquor (off sale only) Package Goods alcoholic beverage licenses from \$480 to \$960. Upon a motion duly made, seconded and unanimously carried, the Board agreed to leave the record open until the next hearing to give the public an opportunity to submit testimony in support of or opposition to the proposed license fee increase.

11. Upon a motion duly made, seconded and unanimously carried, the Board approved the Minutes of the July 10, 2014 hearing.

12. With no further business the meeting adjourned at 1:15 p.m. The next meeting is scheduled for October 9, 2014.